

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA
3

4 CABELA'S INC.,

No. C 11-1398 CW

5 Plaintiff,

6 v.

7 KELORA SYSTEMS, LLC,

8 Defendant.

9 _____/
10 KELORA SYSTEMS, LLC,

No. C 11-1548 CW

11 Plaintiff,

12 v.

13 TARGET CORPORATION; OFFICEMAX
14 INCORPORATED; ROCKLER COMPANIES,
15 INC.; 1-800-FLOWERS.COM, INC.;
16 AMAZON.COM, INC.; DELL, INC.;
17 OFFICE DEPOT, INC.; NEWEGG INC.;
COSTCO WHOLESALE CORPORATION;
HEWLETT-PACKARD COMPANY;
CIRCUITCITY.COM INC; AUDIBLE,
INC.; and ZAPPOS.COM, INC.,

18 Defendants.

19 OFFICEMAX INCORPORATED,

20 Third-Party Plaintiff,

21 v.

22 ADOBE SYSTEMS INCORPORATED,

23 Third-Party Defendant.

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1 NEBRASKA FURNITURE MART, INC.,
2 Plaintiff,
3 v.
4 KELORA SYSTEMS, LLC,
5 Defendant.

No. C 11-2284 CW

ORDER REGARDING
MOTION OF CABEZA'S
INC., NEBRASKA
FURNITURE MART,
INC. AND NEWEGG
INC. TO FILE UNDER
SEAL THE
DECLARATION OF RAY
R. LARSON

6 _____ /
7 AND ALL RELATED COUNTERCLAIMS
8 _____ /

9 On September 15, 2011, Plaintiffs and Counterclaim-Defendants
10 Cabela's Inc. and Nebraska Furniture Mart, Inc. and Defendant and
11 Counterclaim-Plaintiff Newegg Inc. filed a motion pursuant to
12 Local Rule 79-5(d) for an order sealing the Declaration of Ray R.
13 Larson submitted in connection with their Motion for Summary
14 Judgment of Invalidity and Non-Infringement. Movants based their
15 request on conclusory statements that the declaration contained or
16 referred to materials that Movants have designated as
17 "Confidential" or "Highly Confidential - Attorneys' Eyes Only"
18 under the blanket Protective Order in effect in these cases and
19 that a third-party, Endeca, considered information contained or
20 referred to in the declaration to be proprietary and confidential.

21 On September 27, 2011, this Court issued an order stating
22 that Movants had not provided sufficient information to establish
23 that the document, or portions thereof, was privileged or
24 protectable as a trade secret or otherwise entitled to protection
25 under the law, as required under Local Rule 79-5(a), and granted
26 Movants four additional days, or until October 3, 2011, to provide
27 additional information to meet this requirement. The order
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1 further warned that failure to provide additional information
2 would result in the denial of the motion to the extent that the
3 motion was based on the conclusory statement relying on a blanket
4 protective order.

5 The Order further directed Movants to serve Endeca with
6 copies of the order and the motion to seal within seven days, and
7 directed Endeca, if Endeca sought to seal the information, to file
8 a declaration in support of the motion providing good cause to
9 seal within fourteen days, or by October 11, 2011, as required by
10 Local Rule 79-5(d).

11 Movants have not provided additional information to conform
12 with Local Rule 79-5(a). Further, although Movant Newegg Inc. has
13 filed a certificate of service stating that Endeca was served on
14 September 28, 2011, Endeca has not filed a declaration in support
15 of the motion to seal.

16 Accordingly, the motion to seal is DENIED. Movants are
17 directed to file the Declaration of Ray R. Larson in the public
18 record within four days, if they wish it to be considered.

19 IT IS SO ORDERED.

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21 Dated: 10/17/2011


CLAUDIA WILKEN
United States District Judge

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